IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

FRIDAY, THE 20TH APRIL 2007 / 30TH CHAITHRA 1929

Bail Appl..No. 2394 of 2007()

(Crime No. 89/2007 of Palarivattom Police Station)

: PETITIONER/ACCUSED

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1. V.K.SUBRAMANYAN, S/O.KOCHUKRISHNAN,
   VELLAPPALLIYIL HOUSE, NEENDOOR, KOTTAYAM.

2. SABU, S/O.SANKARAN,
   PATTUPARAMBIL HOUSE, VENNALA, ERNAKULAM.

BY ADV. SRI.M.J.THOMAS

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY ADV.SHRI.K.S.SIVAKUMAR, PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T.SANKARAN, J.

B.A. No. 2394 of 2007

Dated this the 20th day of April, 2007

O R D E R

Petitioners are the accused in Crime No. 89/2007 of Palarivattom Police Station. They are accused of having committed offence under Sections 379, 464 read with 120B of the Indian Penal Code. The allegation is that they have stolen a cheque leaf from the defacto complainant. The cheque was presented and later a complaint was filed under Section 138 of the Negotiable Instruments Act against the defacto complainant. The defacto complainant is the sister of the 2nd petitioner. The case filed against the defacto complainant under Section 138 of the Negotiable Instruments Act is pending before the Court of Judicial First Class Magistrate, Ettumanoor. There was another crime, namely Crime No. 90/07 against the petitioners on similar allegations, wherein the defacto complainant is the mother of the present defacto complainant. This Court granted anticipatory bail as per order dated 01/03/2007 in Bail Application No. 1210/2007 in respect of Crime No. 90/07.

Having regard to the nature of the offence and the allegations

made and in the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioners. There will be direction to the Officer In-charge of the Police Station concerned to release the petitioners on bail for a period of one month in the event of the arrest of the petitioners in connection with Crime No. 89/2007 on their executing a bond for Rs. 20,000/- each with two solvent sureties for the like amount to the satisfaction of the Officer. This order is being issued subject to the following conditions :

(1) The petitioners shall report before the Investigating Officer between 9 am and 11 am on all Wednesdays.

(2) The petitioners shall make themselves available for interrogation as and when required by notice by the Investigating Officer.

(3) The petitioners shall not try to influence the prosecution witnesses nor shall they attempt to indulge in any activity affecting the smooth investigation of the case.

(4) The petitioners shall not commit any offence while on bail.

(5) The petitioners shall surrender before the Magistrate concerned and seek regular bail within a period of one month.

If any of the conditions are violated, the bail granted to the petitioners shall be liable to be cancelled.

The Bail Application is disposed of as above.

(**K.T.SANKARAN, JUDGE)**

jg